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Roxana P. Day

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Larry HUFFMAN

Appeals Specialist: Darlene Brown

Serial No. 10/728,961

Filed: December 8, 2003

For: ABDOMINAL AND BODY EXERCISE DEVICE

APPEAL BRIEF

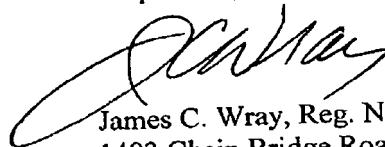
In response to the paper dated 11/25/2008:

Kindly replace page 7 of the Appeal Brief with the attached page 7, as instructed at the
bottom of page 2 of the office action.

CONCLUSION

Reversal of the examiner and allowance of all claims are requested.

Respectfully,



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SUMMARY OF CLAIMED SUBJECT MATTER

The invention is an exercise apparatus as claimed in independent claims 1 and 10 (and dependent claims 2-9) and a method of exercising with the apparatus of claim 10 as claimed in method claim 11 (and dependent method claims 12-20).

The invention set forth in independent claim 1 comprises a double acting sealed cylinder 7, a piston rod 11, and first and second spaced parallel bars 3, 5 connected to opposite ends 15, 13 of the piston rod 11 and cylinder 7. Grip 9 provides gripping of a bar with one or two hands or with body members. Resistance resists movement of the piston rod toward the first end 13 or second end 15. (Figures 1-4, page 8 line 15- page 9 line 2) The invention is shown in Figures 1-4 and described in pages 8-10 and the upper half of page 13 of the specification.

Resistance is on both sides of the piston as the piston is moved through cylinder 7, claim 2 (Figures 1-4, page 9 lines 1, 2). Resistance is adjustable (17), claim 3 (Figures 2-5, page 9 lines 12-16). Resistance is variable (17), claims 4, 5 (Figures 2-5, page 9 lines 16-20).

The invention set forth in independent claim 10 includes a double acting cylinder 7, a ram 11, a first mounting ring 13 on the cylinder 7 and a second mounting ring 15 on the ram 11. A passage between ends of the cylinder has a restriction (device 17, Figures 1-4) in the passage for controlling flow of fluid between opposite ends of the cylinder (page 16, lines 1-3; page 5, lines 5-7). First and second handles 5, 3 have opposite equal length ends. Foam padded grips 9 are mounted on ends of the first and second hands. The invention is shown in Figures 1-4 and described in pages 8-10 and the upper half of page 13 of the specification.

The invention set forth in the method claims 11-20 points out steps of using the apparatus of claim 10 as shown in Figures 5A-11B and described in specification pages 10-12 and the lower half of page 13.